



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 6, 2012

SUBJECT: **BZA Case 18445** - request for special exception relief under § 205 to establish a new child development center in the current child development home located at 1353 Tuckerman Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief pursuant to § 205 subject to the following conditions, all of which the applicant agreed to:

1. Approval shall be for a period of THREE YEARS from the date of the approval order.
2. Enrollment shall not exceed 12 children ages 6 months to 5 years.
3. The maximum number of staff shall be two persons (including the applicant).
4. Days of operation shall be Monday through Friday from 8:00 AM to 6:00 PM.
5. Pick-up and drop-off periods shall generally be from 7:30 to 8:30 AM and from 5:30 to 6:30 PM, respectively.
6. A parking area for two vehicles shall be maintained in the rear yard for the use of staff.
7. Trash collection shall be scheduled at least once a week.

II. LOCATION AND SITE DESCRIPTION:

Address:	1353 Tuckerman Street NW
Legal Description:	Square 2786, Lot 0106
Ward:	4A
Lot Characteristics:	Rectangular interior lot with an area of 3,780 square feet (0.09 acre) abutting an alley 16-feet wide (refer to Figure 2).
Zoning:	<i>R-1-B</i> - detached dwellings are allowed in this district and child development centers are allowed with special exception approval.
Existing Development:	According to 1998 Experian District of Columbia Assessment Directory, the existing two-story, one-family, detached dwelling dates from 1939 (refer to Figure 1). In the rear yard are a concrete patio and play area, a storage building, a fenced area of lawn and a concrete parking pad. This pad is adjacent to the alley and appears wide enough for two vehicles.
Historic District:	None
Adjacent Properties:	Virtually identical two-story, detached one-family dwellings.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Ana Maria Lora-Garcia, co-owner and operator ¹
Proposal:	<p>To expand the existing accessory use on the dwelling first floor from a child development home for 6 children with 1 teacher to a child development center for 12 children ages 6 months to 5 years with 2 teachers. The second floor residence would remain.</p> <p>The applicant applied to the Department of Consumer and Regulatory Affairs to make this change in use. In response, the Office of the Zoning Administrator sent a letter dated December 3, 2010, explaining that the requested child development center requires special exception approval in accordance with the provisions of § 302.1 (§ 205).</p> <p>The applicant this submitted this application for the required relief.</p>
Relief Sought:	§205 – special exception relief for the proposed (accessory) child development center.

IV. OP ANALYSIS:

Consistency with § 205

205.2 The center or facility shall be capable of meeting all applicable code and licensing requirements.

In a memorandum dated August 22, 2011, the Office of the State Secretary for Education (OSSE) recommended BZA approval of this application noting that the center's licensed capacity would be established by that agency per the Certificate of Occupancy and requirements and standards under Title 29 DCMR Chapter 3, Child Development Facilities.

205.3 The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.

The applicant indicated that adults driving to the site would continue to walk their children to and from front door of the center during drop-off and pick-up periods. On-street parking resources were described as sufficient during these periods.

In a memorandum dated September 11, 2012, the District Department of Transportation (DDOT) indicated the proposed use would only result in slight increases in the vehicle parking demand and parking utilization. On that basis, DDOT had no object to the approval of this special exception.

205.4 The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other

Figure 1



¹ In a letter to the Board dated October 19, 2012, Jose Antezana, the property owner of record, authorized the applicant to submit this application on both their behalf.

employees, and visitors.

Under § 2101.1, onsite parking required for this proposal is one space per 4 staff or 1 space. Currently the parking pad in the rear yard adjacent to the alley appears wide enough for two vehicles.

Figure 2



- 205.5 *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*

There currently are two fenced play areas in the rear yard: one is a concrete patio and the other is a grassy area between the patio and alley. The chain link and wooden fence around each is approximately 4-feet tall and gated. No objectionable impacts are anticipated because a majority of the surrounding neighbors would be away at work during the center hours of operation.

- 205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.*

No changes or special treatment are recommended.

- 205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center or facility itself.*

This proposal would not utilize an off-site play area.

- 205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

OP is not aware of another licensed child development center within 1,000 feet.

- 205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports. ...*

OSSE and DDOT comments are noted above. No other agency comments have been received.

Based on this review, the application meets the standards for approval. The applicant also agreed to a list of approval conditions that reflect the proposed center operations.

V. COMMUNITY COMMENTS

Two letters in the case record file are from neighbors who reside on Tuckerman Street and oppose this application. Reasons given are the anticipated negative impacts of a “commercial” child development center on this residential community. Attached to a third letter in opposition is a petition signed by over 60 persons who reside in the area.

To date a resolution on this case from Advisory Neighborhood Commission (ANC) 4A has not been added to the file.